

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Timothy Ray McClain

Docket No. 5:11-CR-221-1H

**Petition for Action on Supervised Release**

COMES NOW Christopher Studley, Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Timothy Ray McClain, who, upon an earlier plea of guilty to Felon in Possession of a Firearm and Ammunition, 18 U.S.C. §§ 922(g)(1) and 924, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on December 12, 2012, to the custody of the Bureau of Prisons for a term of 60 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Timothy Ray McClain was released from custody on January 23, 2015, at which time the term of supervised release commenced. On January 11, 2016, Mr. McClain's conditions of supervision were modified as a result of new criminal conduct to include participation in a cognitive behavior therapy program. On March 18, 2016, Mr. McClain was re-enrolled in the Surprise Urinalysis Program as a result of new criminal conduct. On May 16, 2016, the court was notified of McClain testing positive for illegal substances and being enrolled into substance abuse treatment.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On June 2, 2016, Mr. McClain tested positive for the use of cocaine. When confronted by this officer, Mr. McClain admitted use. Additionally, on June 16, 2016, Mr. McClain was unsuccessfully discharged from the cognitive behavior therapy program due to his continued substance abuse and other non-compliance with the program requirements. As a result of these violations, it is recommended that Mr. McClain be sanctioned to serve 5 days confinement in the custody of the Bureau of Prisons and enrolled in the DROPS program at the second use level. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision. Mr. McClain will continue participation in the Surprise Urinalysis Program and continue his participation in substance abuse treatment.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days; The defendant shall begin the DROPS Program in the second use level.
2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 5 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Michael C. Brittain  
Michael C. Brittain  
Senior U.S. Probation Officer

/s/ Christopher Studley  
Christopher Studley  
U.S. Probation Officer  
310 New Bern Avenue, Room 610  
Raleigh, NC 27601-1441  
Phone: 919-861-8669  
Executed On: June 16, 2016

**ORDER OF THE COURT**

Considered and ordered this 21st day of June 2016, and ordered filed and  
made a part of the records in the above case.

  
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Malcolm J. Howard

Senior U.S. District Judge